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In re Application of :
Karl-Christian GALLERT, et al. :
Application No.: 09/807,146 :
PCT No.: PCT/EP99/07518 :
Int. Filing Date: 07 October 1999 :
Priority Date: 09 October 1998 :
Attorney Docket No.: 29988/AX98115 :
For: POLYGLUCAN AND POLYGLUCAN :
DERIVATIVES WHICH CAN BE OBTAINED :
FROM AMYLOSUCRASE BY BIOCATALYTIC :
PRODUCTION IN THE PRESENCE OF :
BIOGENIC SUBSTANCES :

DECISION ON
PETITION
UNDER 37 CFR 1.181

This decision is in response to the "STATUS INQUIRY" filed 15 April 2002 and to the "RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION" filed 28 January 2002. Applicants request that the "Notification to Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" (Form PCT/DO/EO/920) mailed by the Office on 24 July 2001 be withdrawn. The Response is being treated as a petition under 37 CFR 1.181 requesting withdrawal of Form PCT/DO/EO/920 in the present application. The petition is **DISMISSED**, without prejudice, as follows:

No petition fee is required.

A review of the application file reveals that three pages of sequence listing were originally filed with the international application and published by the International Bureau in publication number WO00/22155 on 20 April 2000. Moreover, original claim 3 and amended claim 2 as well as pages 3 and 20 of the specification all refer to an amino acid sequence according to SEQ ID No. 1. Accordingly, the issuance of Form PCT/DO/EO/920 by the Office on 24 July 2001 was proper.

Since applicants' Response filed 28 January 2002 was not a proper reply to the "Notification to Comply..." (Form PCT/DO/EO/920) of 24 July 2001, and, further, since the failure to furnish the proper reply was not the result of an inadvertent omission, the present application is ABANDONED. See MPEP 711.02(a) and 714.03.

Also it should be noted that the translation submitted 06 April 2001 is not a true and accurate translation of the application as filed, as required under 37 CFR 1.495 (c)(1). There are 13 claims in the application filed 07 October 1999 while the translation contains only 12 claims.

CONCLUSION

The petition is **DISMISSED**, without prejudice. If reconsideration on the merits of the petition under 37 CFR 1.181 is desired, applicants are required to file a response within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181." Extensions of time to respond are not available under 37 CFR 1.136(a).

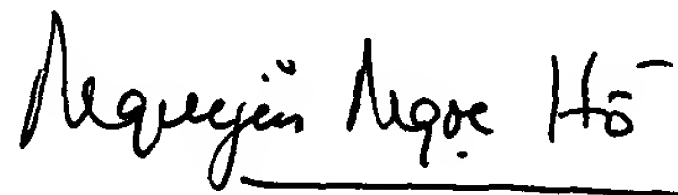
Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, with the contents of the letter marked to the attention of the PCT Legal Office.

The application is returned to the National Stage Processing Division for processing in accordance with this decision, that is, for issuance of a Notification of Abandonment (Form PCT/DO/ EO/909), to inform applicants that the application is abandoned as to the national stage in the United States for failure to properly respond to the Office action of 24 July 2001.



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